

AN ACT

relating to a voluntary statewide diabetes mellitus registry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 95, Health and Safety Code, is amended to read as follows:

CHAPTER 95. [~~RISK ASSESSMENT FOR TYPE 2~~] DIABETES

SECTION 2. Chapter 95, Health and Safety Code, is amended by designating Sections 95.001, 95.002, 95.003, 95.004, 95.005, and 95.006 as Subchapter A and adding a heading to Subchapter A to read as follows:

SUBCHAPTER A. RISK ASSESSMENT FOR TYPE 2 DIABETES

SECTION 3. Section 95.001, Health and Safety Code, is amended to read as follows:

Sec. 95.001. DEFINITIONS. In this subchapter [~~chapter~~]:

(1) "Acanthosis nigricans" means a light brown or black velvety, rough, or thickened area on the surface of the skin that may signal high insulin levels indicative of insulin resistance.

(2) [~~(1-a)~~] "Advisory committee" means the Type 2 Diabetes Risk Assessment Program Advisory Committee established under Section 95.006.

(3) [~~(1-b)~~] "Council" means the Texas Diabetes Council.

(4) [~~(3)~~] "Office" means The University of Texas-Pan

American Border Health Office.

(5) [~~4~~] "Professional examination" means an evaluation performed by an appropriately licensed professional.

(6) [~~5~~] "School" means an educational institution that admits children who are five years of age or older but younger than 21 years of age.

SECTION 4. Chapter 95, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. DIABETES MELLITUS REGISTRY

Sec. 95.051. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of State Health Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Public health district" means a district created under Chapter 121.

Sec. 95.052. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a public health district that serves a county that has a population of more than 1.5 million and in which more than 75 percent of the population lives in a single municipality.

Sec. 95.053. DIABETES MELLITUS REGISTRY. (a) The department, in coordination with participating public health districts, shall create and maintain an electronic diabetes mellitus registry to track the glycosylated hemoglobin level of each person who has a laboratory test to determine that level performed at a clinical laboratory in the participating district.

(b) A public health district may participate in the diabetes

mellitus registry. A public health district that participates in the registry is solely responsible for the costs of establishing and administering the program in that district.

(c) Except as provided by Subsection (d), a physician practicing in a participating public health district who, on or after November 1, 2011, orders a glycosylated hemoglobin test for a patient shall submit to a clinical laboratory located in the participating public health district the diagnosis codes of a patient along with the patient's sample. The clinical laboratory shall submit to the district for a patient whose diagnosis codes were submitted with the patient's sample the results of the patient's glycosylated hemoglobin test along with the diagnosis codes provided by the physician for that patient.

(d) A physician who orders a glycosylated hemoglobin test for a patient must provide the patient with a form developed by the department that allows the patient to opt out of having the patient's information included in the registry. If the patient opts out by signing the form, the physician:

(1) shall keep the form in the patient's medical records; and

(2) may not submit to the clinical laboratory the patient's diagnosis codes along with the patient's sample.

(e) The participating public health districts shall:

(1) compile results submitted under Subsection (c) in order to track:

(A) the prevalence of diabetes mellitus among people tested in the district;

(B) the level of diabetic control for the patients with diabetes mellitus in each demographic group;

(C) the trends of new diagnoses of diabetes mellitus in the district; and

(D) the health care costs associated with diabetes mellitus and glycosylated hemoglobin testing; and

(2) provide the department with de-identified aggregate data.

(f) The department and participating public health districts shall promote discussion and public information programs regarding diabetes mellitus.

Sec. 95.054. CONFIDENTIALITY. Reports, records, and information obtained under this subchapter are not public health information under Chapter 552, Government Code, and are subject to the confidentiality requirements described by Section 81.046.

Sec. 95.055. RULES. The executive commissioner shall adopt rules to implement this subchapter, including rules to govern the format and method of collecting glycosylated hemoglobin data.

Sec. 95.056. REPORT. Not later than December 1 of each even-numbered year, the department shall submit to the governor, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature a report regarding the diabetes mellitus registry that includes an evaluation of the effectiveness of the registry and the number of public health districts voluntarily participating in the registry.

SECTION 5. Not later than October 1, 2011, the Department of State Health Services shall make available on its Internet website

S.B. No. 510

1 the form required under Subsection (d), Section 95.053, Health and  
2 Safety Code, as added by this Act.

3 SECTION 6. This Act takes effect September 1, 2011.\_\_\_\_\_

David Dewhurst  
President of the Senate

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 510 passed the Senate on  
March 17, 2011, by the following vote: Yeas 31, Nays 0.\_\_\_\_\_

Aatey Graw  
Secretary of the Senate

I hereby certify that S.B. No. 510 passed the House on  
May 19, 2011, by the following vote: Yeas 143, Nays 5, one  
present not voting.\_\_\_\_\_

Robert Haney  
Chief Clerk of the House

Approved:

17 JUN '11

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:00 PM O'CLOCK

JUN 17 2011

Boyd R. Roberts  
Secretary of State